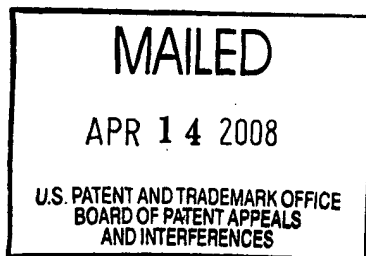


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte HANG ZHANG,
KSAI LIANG and DAHAI LI

Application 09/496,600

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on March 12, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:¹

¹ The deficiencies noted by the 9/18/06 Order Returning Undocketed Appeal were remedied pursuant to the submission of the 1/16/07 Appeal Brief and 7/11/07 Examiner's Answer.

An examination of the Image File Wrapper (IFW) reveals that a Reply Brief was filed on September 9, 2007, in response to the Examiner's Answer mailed July 11, 2007. However, there is no indication in the record regarding whether or not the examiner has considered the Reply Brief.

Section 41.43 states:


(a)(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issues raised in the reply brief.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) for written notification to appellants regarding consideration of the Reply Brief filed July 11, 2007; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



DALE M. SHAW
Chief Appeals Administrator
(571) 272-9797

DMS:psb

Application 09/496,600

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